

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

88

Document #

USCA NO. 08-2815-CR

SDNY NO. 07-CR-610-1

JUDGE: RPP

DATE: 6/30/08



INDEX TO THE RECORD ON APPEAL

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DISTRICT COURT DOCKET ENTRIES

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Letter from Hafiz Naseem to Judge Patterson dated 11/26/08 re: government's letter to preclude evidence of Sebagh tracking activity

32

() Original Record

() Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 30th Day of June, 2008.

**United States District Court for
the Southern District of New York**

USA

Date: 6/30/08

-v-

Hafiz Muhammad Zubair Naseem

U.S.C.A. # 08-2815-CR

U.S.D.C. # 07-CR-610

D.C. JUDGE: RPP

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered _____ Through _____, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
2/14/08	Letter from Hafiz Naseem to Judge Patterson dated 1/26/08 re: government's letter to preclude evidence of Sehgal trading activity

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 30th Day of June In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232nd year.

J. Michael McMahon, Clerk

By _____

Deputy Clerk

APPEAL, ECF, PRIOR

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:07-cr-00610-RPP-1
Internal Use Only

Case title: USA v. Naseem et al
Magistrate judge case number: 1:07-mj-00706-UA

Date Filed: 07/03/2007
Date Terminated: 06/04/2008

Date Filed	#	Docket Text
05/03/2007	1	COMPLAINT as to Hafiz Muhammad Zubair Naseem (1). In Violation of 18 U.S.C. 371; 15 U.S.C. 78j (b); 78ff; 17 C.F.R. 240.10b-5, 240.10b5-2 (Securities Fraud) (Signed by Judge Theodore H. Katz) (dif) [1:07-mj-00706-UA] (Entered: 05/03/2007)
05/03/2007		Arrest of Hafiz Muhammad Zubair Naseem. (dif) [1:07-mj-00706-UA] (Entered: 05/04/2007)
05/04/2007	2	NOTICE OF ATTORNEY APPEARANCE: Retained Attorney Marc Lee Mukasey appearing for Hafiz Muhammad Zubair Naseem. (dif) [1:07-mj-00706-UA] (Entered: 05/04/2007)
05/04/2007		Minute Entry for proceedings held before Judge Theodore H. Katz :Initial Appearance as to Hafiz Muhammad Zubair Naseem held on 5/4/2007, with Retained Attorney Marc Mukasey and AUSA Joshua Klein for the government. Detention; Risk of Flight; Strong Ties to Pakistan; Pakistan Citizenship; Faces Long Sentence and Deportation; No longer has gainful Employment; No Co-Signers; Few Assets in U.S.; Preliminary Examination set for 5/17/2007 10:00 AM before Judge Unassigned. (dif) [1:07-mj-00706-UA] (Entered: 05/04/2007)
05/08/2007		Minute Entry for proceedings held before Judge James C. Francis :Detention Hearing as to Hafiz Muhammad Zubair Naseem held on 5/8/2007 with Retained Attorney Marc Mukasey and AUSA Joshua Klein for the government. \$ ONE MILLION PRB; 4 FRP'S; Secured by \$500,000 Property: 3 Houses Identified on Record; Travel Limited to SDNY/EDNY; Surrender Travel Documents (& No New Applications); Strict Pretrial Supervision; Home Detention; Curfew with Electronic Monitoring; Deft to be Released upon FRP'S and Surrender Own Passport; Remaining Conditions to be Met by 5/9/07 Family's Passports; by 5/14/07 Homes; Surrender Passport of Wife and Children; If Employed by Mr. Khan, may be released from Home to Work and 7 PM Curfew; If not Employed; Release from Home Only for Court; Counsel, Medical (dif) [1:07-mj-00706-UA] (Entered: 05/09/2007)
05/08/2007		Minute Entry for proceedings held before Judge James C. Francis :Bail Modification as to Hafiz Muhammad Zubair Naseem held on 5/8/2007. with Retained Attorney Marc Mukasey and AUSA Joshua Klein for the government. 1) Deft to Remain in Custody until 5/9/07 when Electronic Monitoring Established; 2). Electronic Monitoring at Place of Emp; Deft to Provide 2 Days Notice to PTS of Location (dif) [1:07-mj-00706-UA] (Entered: 05/09/2007)
05/09/2007	4	PRB APPEARANCE Bond Entered as to Hafiz Muhammad Zubair Naseem in amount of \$ ONE MILLION PRB, 4 FRP'S; Secured by \$500,000 Property: 3 Houses Identified on Record; Travel Limited to SDNY/EDNY; Surrender Travel Documents (& No New Applications); Strict Pretrial Supervision; Home Detention; Curfew with Electronic Monitoring; Deft to be Released upon FRP'S; and Surrender Own Passport; ; Remaining Conditions to be Met by 5/9/07 Family's Passports; 5/14/07 Homes; Surrender Passport of Wife and Children; If Employed by Mr. Khan, may be Released from Home to Work and 7 PM Curfew; If not Employed; Release from Home only for Court, Counsel, Medical; Bail Modified as Follows on Consent; 1) Deft to Remain in Custody until 5/9/07 when Electronic Monitoring Established; 2) Electronic Monitoring at Place of Employment; Deft to Provide 2 Days Notice to PTS of Location (dif) [1:07-mj-00706-UA] (Entered: 05/09/2007)
05/09/2007	5	ADVICE OF PENALTIES AND SANCTIONS as to Hafiz Muhammad Zubair Naseem. (dif) [1:07-mj-00706-UA] (Entered: 05/09/2007)
06/04/2007	6	ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Hafiz Muhammad Zubair Naseem. Time excluded from 6/4/07 until 7/5/07. (Signed by Judge James C. Francis on 6/4/07)(ccu) [1:07-mj-00706-UA] (Entered: 06/04/2007)
06/29/2007	7	NOTICE OF ATTORNEY APPEARANCE: Michael Fred Bachner appearing for Hafiz Muhammad Zubair Naseem. (Bachner, Michael) [1:07-mj-00706-UA] (Entered: 06/29/2007)
07/03/2007	8	INDICTMENT FILED as to Hafiz Muhammad Zubair Naseem (1) count(s) 1, 2-26, Ajaz Rahim (2) count(s) 1, 2-26. (jm) (Entered: 07/06/2007)
07/03/2007		Case Designated ECF as to Hafiz Muhammad Zubair Naseem, Ajaz Rahim. (jm) (Entered: 07/06/2007)
07/16/2007		Minute Entry for proceedings held before Judge Richard M. Berman :Arraignment as to Hafiz Muhammad Zubair Naseem (1) Count 1,2-26 held on 7/16/2007. AUSA Klein present; Deft Naseem present with atty Michael Bachner; Court reporter Vincent Bologna present. Deft Naseem arraigned and deft waives a public reading and enters a plea of NOT GUILTY. Next conference is scheduled for 9/10/07 at 9:15am; Speedy trial time is excluded for the reasons set forth on the record from 7/16/07 until 9/10/07 pursuant to 18 USC 3161(h)(8)(A) and (B). (jw) (Entered: 07/26/2007)
07/16/2007		Minute Entry for proceedings held before Judge Richard M. Berman : Plea entered by Hafiz Muhammad Zubair Naseem (1) Count 1,2-26 Not Guilty. (jw) (Entered: 07/26/2007)
07/16/2007		Minute Entry for proceedings held before Judge Richard M. Berman : as to Hafiz Muhammad Zubair Naseem; Pretrial Conference set for 9/10/2007 at 09:15 AM before Judge Richard M. Berman. (jw) (Entered: 07/26/2007)
09/10/2007		Minute Entry for proceedings held before Judge Richard M. Berman :Pretrial Conference as to Hafiz Muhammad Zubair Naseem held on 9/10/2007, as to Hafiz Muhammad Zubair Naseem; Motions due by 10/5/2007. Government Responses due by 10/23/2007; Jury Trial set for 12/10/2007 at 10:00 AM before Judge Richard M. Berman. Pretrial Conference set for 11/26/2007 at 10:00 AM before Judge Richard M. Berman. AUSA Klein present. AUSA Reed Brodsky present. Deft Naseem and defense atty Michael Bachner present. Court reporter Karen Gorlaski present. Defense motion by 10/5/07; government response by 10/23/07; trial scheduled for 12/10/07; joint jury instructions and motions in limine by 11/12/07; response to motions in limine by 11/19/07; final pretrial conference set for 11/26/07 at 10:00am; speedy trial time is excluded for the reasons set forth in the record from 9/10/07 until 12/10/07 pursuant to 18 USC 3161(h) (8)(A) and (B). (jw) (Entered: 09/11/2007)
10/09/2007	9	NOTICE of Bill of Particulars re Forfeiture as to Hafiz Muhammad Zubair Naseem, Ajaz Rahim (Klein, Joshua) (Entered: 10/09/2007)

ECF

11/06/2007	<u>12</u>	TRANSCRIPT of Proceedings as to Hafiz Muhammad Zubair Naseem, Ajaz Rahim held on 9/10/07 before Judge Richard M. Berman. (db) (Entered: 11/06/2007)
11/07/2007	<u>13</u>	POST INDICTMENT RESTRAINING ORDER granting 11 Motion for Forfeiture of Property as to Ajaz Rahim (2). It is hereby ordered that: 1. Ajaz Rahim the deft, and all attorneys and other persons and entities acting for or in concert with the above named deft, businesses and or entities having actual knowledge of this order, shall not take any action prohibited by this order as indicated. (See attached order for full text). (Signed by Judge Richard M. Berman on 11/8/07) (pr) (Entered: 11/08/2007)
11/13/2007	<u>14</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - FIRST MOTION in Limine seeking various relief(LETTER). Document filed by Hafiz Muhammad Zubair Naseem. (Bachner, Michael) Modified on 11/14/2007 (KA). (Entered: 11/13/2007)
11/14/2007	<u>ECP</u>	***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney Michael Fred Bachner as to Hafiz Muhammad Zubair Naseem: to MANUALLY RE-FILE Document No. 14 Letter. This document is not filed via ECF. (KA) (Entered: 11/14/2007)
11/16/2007	<u>ECP</u>	PROPOSED EXAMINATION OF JURORS by Hafiz Muhammad Zubair Naseem. (Bachner, Michael) (Entered: 11/16/2007)
11/20/2007	<u>ECP</u>	(S1) SUPERSEDING INDICTMENT FILED as to Hafiz Muhammad Zubair Naseem (1) count(s) 1s, 2s-29s, Ajaz Rahim (2) count(s) 1s, 2s-29s. (ja) (Entered: 11/26/2007)
11/21/2007	<u>ECP</u>	Request To Charge by Hafiz Muhammad Zubair Naseem, USA as to Hafiz Muhammad Zubair Naseem. (Klein, Joshua) (Entered: 11/21/2007)
11/26/2007		Minute Entry for proceedings held before Judge Richard M. Berman:Arraignment as to Hafiz Muhammad Zubair Naseem (1) Count 1s,2s-29s held on 11/26/2007. AUSA Klein present. AUSA Reed Brodsky present; Defendant Naseem and defense attorney Michael Bachner present. Court reporter Alena Lynch present; Deft arraigned on superseding indictment; Deft waives a public reading and enters a plea of not guilty; government to submit any outstanding responses to motions by 11/27/07; defense to submit any additional replies by 11/28/07; final pretrial conference is scheduled for 12/3/07 at 2:30pm. Speedy trial time is excluded for the reasons set forth in the record from 11/26/07 until 12/10/07 pursuant to 18 USC 3161(h)(8)(A) and (B). (jw) (Entered: 12/03/2007)
11/26/2007		Minute Entry for proceedings held before Judge Richard M. Berman: Plea entered by Hafiz Muhammad Zubair Naseem (1) Count 1s,2s-29s Not Guilty. (jw) (Entered: 12/03/2007)
11/26/2007		Minute Entry for proceedings held before Judge Richard M. Berman: as to Hafiz Muhammad Zubair Naseem;Government Responses due by 11/27/2007;Defendant Replies due by 11/28/2007. Pretrial Conference set for 12/3/2007 at 02:30 PM before Judge Richard M. Berman. (jw) (Entered: 12/03/2007)
12/03/2007		Minute Entry for proceedings held before Judge Richard M. Berman:Pretrial Conference as to Hafiz Muhammad Zubair Naseem held on 12/3/2007. AUSA Klein and AUSA Brodsky present; Also present for Tala (paralegal); Deft Naseem and defense attys Michael and Bachner and Kevin O'Brien present; Court Reporter Sam Mauro present; court holds final pretrial conference; Decision reserved re: motives for travel; Decision re: access to Credit Suisse printer - admissible assuming proper foundation is laid; Decision re: Merrill Lynch documents (including telephone number) - reserved until 9:00 a.m. Monday; Decision re: wire transfers; transfers may be admitted assuming proper foundation is laid (Court will hear additional argument on Monday 12/10/07 at 9:00 a.m.); Decision re: documents 002429, 002430, 002311 admissible; documents 002325 and 002326 govt to provide court with additional info by 6:00 p.m. today; documents to open accounts re: Arif Habib re: emails found on deft's email at Credit Suisse admissible; Decision re: evidence of gambling of deft - reserved; Decision re: letter from Arif Habib - reserved (proposed certification to be submitted by defense counsel); Decision re: videoconference testimony (deft argues they are scared to come to US). Court instructs defense to present live testimony; counsel to provide the court with names and places for the voir dire by Thursday 12:00 p.m.; Court will hold a conference on 12/10/07 at 9:00 a.m. (bw) (Entered: 12/12/2007)
12/03/2007		ORAL ORDER as to Hafiz Muhammad Zubair Naseem. Status Conference set for 12/10/2007 at 09:00 AM before Judge Richard M. Berman. (bw) (Entered: 12/12/2007)
12/10/2007	<u>18</u>	ORDER as to Hafiz Muhammad Zubair Naseem. Ordered that Michael F. Bachner, Esq. and Kevin O'Brien, Esq. as counsel for the deft, shall be permitted to bring their cell phones only to the courtroom of the Hon. Richard M. Berman for the duration of the trial beginning on 12/10/07. as indicated. So Ordered (Signed by Magistrate Judge Leonard Bernikow on 12/10/07)(pr) (Entered: 12/11/2007)
12/10/2007		Minute Entry for proceedings held before Judge Richard M. Berman:Voir Dire begun on 12/10/2007 Hafiz Muhammad Zubair Naseem (1) on Count 1,1s,2-26,2s-29s. AUSA Klein and AUSA Brodsky present; Also present for Tala Nazareno (paralegal); Deft Naseem and defense attys Michael and Bachner and Kevin O'Brien present; Court Reporter Rebecca Forman present; court issues ruling re: outstanding issues; Decision re: Merrill Lynch documents (including telephone number) - admissible; Decision re: wire transfers; transfers may be admitted assuming proper foundation is laid; documents 002325 and 002326 - admissible as summary charts; Decision re: evidence of gambling of deft - not admissible; Decision reserved re: motives for travel - admissible; stipulation of testimony re: Arif Habib account to be submitted; jury selection begins; jury selection ends; opening statements given. (bw) (Entered: 12/12/2007)
12/10/2007		Minute Entry for proceedings held before Judge Richard M. Berman:Jury Selection as to Hafiz Muhammad Zubair Naseem held on 12/10/2007. (bw) (Entered: 12/12/2007)
12/10/2007		Minute Entry for proceedings held before Judge Richard M. Berman:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 12/10/2007. (bw) (Entered: 12/12/2007)
12/11/2007		Minute Entry for proceedings held before Judge Richard M. Berman:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 12/11/2007. All appearances remain the same; Court declares a mistrial; See transcript; conference scheduled for 12/12/07 at 10:00 a.m.; Speedy trial time is excluded for the reasons set forth on the record from 12/11/07 until 12/12/07 pursuant to 18 USC 3161(h)(8)(A) and (B). (bw) (Entered: 12/12/2007)
12/11/2007		DECLARATION OF MISTRIAL as to Hafiz Muhammad Zubair Naseem (1) Count 1,1s,2-26,2s-29s; Hafiz Muhammad Zubair Naseem (1) on Count 1,1s,2-26,2s-29s. (bw) (Entered: 12/12/2007)
12/11/2007		ORAL ORDER as to Hafiz Muhammad Zubair Naseem. Time excluded from 12/11/07 until 12/12/07. Pretrial Conference set for 12/12/2007 at 10:00 AM before Judge Richard M. Berman. (bw) (Entered: 12/12/2007)
12/12/2007	<u>19</u>	ENDORSED LETTER as to Hafiz Muhammad Zubair Naseem from Kevin T.O'Brien dated 12/11/07 re: Deft requests that he be excused from appearing at the 12/12/07 conference.Mr. Naseem should attend the conference on 12/12/07. So Ordered (Signed by Judge Richard M. Berman on 12/11/07)(pr) (Entered: 12/12/2007)

12/12/2007	Minute Entry for proceedings held before Judge Richard M. Berman:Pretrial Conference as to Hafiz Muhammad Zubair Naseem held on 12/12/2007. Dft Hafiz Muhammad Zubair Naseem present w/attys Kevin O'Brien and Michael Bachner; AUSAs Klein and Brodsky present. Crt rptr present. (Jury Trial set for 1/14/2008 at 09:00 AM before Judge Richard M. Berman.) Speedy trial time excluded for the reasons set forth on the record from 12/12/07 until 1/14/08 pursuant to 18 USC 3161(h)(8)(A) and (B). (Court Reporter Eve Giniger) (ja) (Entered: 12/14/2007)
12/20/2007 ECF	(20) FIRST MOTION to Dismiss <i>the Indictment on Double Jeopardy Grounds</i> . Document filed by Hafiz Muhammad Zubair Naseem. (Bachner, Michael) (Entered: 12/20/2007)
12/27/2007 ECF	(21) MEMO ENDORSEMENT as to Hafiz Muhammad Zubair Naseem on 20 FIRST MOTION to Dismiss the Indictment on Double Jeopardy Grounds, filed by Hafiz Muhammad Zubair Naseem. -- Judge endorsed: Gov't to Respond by 1/7/2008. SO ORDERED. (Signed by Judge Richard M. Berman on 12/27/07)(ja) (Entered: 12/27/2007)
01/07/2008 ECF	(22) RESPONSE to Motion by USA as to Hafiz Muhammad Zubair Naseem re 20 FIRST MOTION to Dismiss <i>the Indictment on Double Jeopardy Grounds</i> . (Klein, Joshua) (Entered: 01/07/2008)
01/08/2008 ECF	(23) FIRST REPLY MEMORANDUM OF LAW in Support as to Hafiz Muhammad Zubair Naseem re: 20 FIRST MOTION to Dismiss <i>the Indictment on Double Jeopardy Grounds</i> . (Bachner, Michael) (Entered: 01/08/2008)
01/10/2008 ECF	(24) TRANSCRIPT of Proceedings as to Hafiz Muhammad Zubair Naseem, Ajaz Rahim held on 11/26/07 before Judge Judge Richard M. Berman. (jbe) (Entered: 01/10/2008)
01/10/2008	(25) ORDER denying 20 Motion to Dismiss as to Hafiz Muhammad Zubair Naseem (1)Based upon the foregoing, Deft's request for dismissal on the grounds of double jeopardy is denied. (See attached order for full text). (Signed by Judge Richard M. Berman on 1/10/08) (pr) (Entered: 01/11/2008)
01/11/2008	(26) TRANSCRIPT of Proceedings as to Hafiz Muhammad Zubair Naseem held on 12/12/07 before Judge Judge Richard M. Berman. (bw) (Entered: 01/11/2008)
01/11/2008	Minute Entry for proceedings held before Judge Robert P. Patterson:Status Conference as to Hafiz Muhammad Zubair Naseem held on 1/11/2008, as to Hafiz Muhammad Zubair Naseem(Jury Trial set for 1/14/2008 at 09:30 AM before Judge Robert P. Patterson.). Deft present wtih atty Bachner. AUSA's Brodsky and Klein present. Conference is held, this case has been reassigned from Judge Berman to Judge Patterson. Trial date retained for 1/14/08 at 9:30am. (jw) (Entered: 01/14/2008)
01/14/2008	Minute Entry for proceedings held before Judge Robert P. Patterson:Voir Dire begun on 1/14/2008 Hafiz Muhammad Zubair Naseem (1) on Count 1s,2s-29s. Deft present with atty Bachner. AUSA's Brodsky and Klein present. Court and Counsel convene. Jury panel summoned and sworn, selection begins. Lunch recess. Selection continues and concludes. Panel sworn, trial to resume tomorrow, 1/15/08 AT 9:30AM. (jw) (Entered: 01/17/2008)
01/14/2008	Jury Impaneled as to Hafiz Muhammad Zubair Naseem. (jw) (Entered: 01/17/2008)
01/14/2008	Minute Entry for proceedings held before Judge Robert P. Patterson:Jury Selection as to Hafiz Muhammad Zubair Naseem held on 1/14/2008 (jw) (Entered: 01/17/2008)
01/14/2008	Minute Entry for proceedings held before Judge Robert P. Patterson:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 1/14/2008 (jw) (Entered: 01/17/2008)
01/15/2008 ECF	(27) ORDER as to Hafiz Muhammad Zubair Naseem. IT IS HEREBY ORDERED: that Michael F. Bachner, Esq. and Kevin T. O'Brien, Esq. as cnsl for the dft shall be permitted to bring their cell phones/Blackberry/computers to the crtrm of Judge Patterson for the duration of the trial beginning on 1/14/08. Cnsl will keep their cell phones powered off during the trial and may use the devices in the hallway during court recess. SO ORDERED. (Signed by Judge Robert P. Patterson on 1/14/08)(ja) (Entered: 01/15/2008)
01/15/2008	Minute Entry for proceedings held before Judge Robert P. Patterson:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 1/15/2008. Trial continues. Court addresses the jury. Openings made. Testimony begins and continues. (jw) (Entered: 01/17/2008)
01/17/2008 ECF	(28) TRANSCRIPT of Proceedings as to Hafiz Muhammad Zubair Naseem held on 12/10,11/07 before Judge Richard M. Berman. (es) (Entered: 01/17/2008)
01/17/2008	Minute Entry for proceedings held before Judge Robert P. Patterson:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 1/17/2008 (jw) (Entered: 01/17/2008)
01/18/2008 ECF	(30) NOTICE OF CASE REASSIGNMENT as to Hafiz Muhammad Zubair Naseem, to Judge Robert P. Patterson. Judge Richard M. Berman no longer assigned to the case. (jco) (Entered: 01/25/2008)
01/18/2008	E-Mailed and Mailed notice as to Hafiz Muhammad Zubair Naseem to the attorney(s) of record. (jco) (Entered: 01/25/2008)
01/18/2008	Minute Entry for proceedings held before Judge Robert P. Patterson:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 1/18/2008. (jw) (Entered: 01/28/2008)
01/18/2008 ECF	(31) TRANSCRIPT of Proceedings as to Hafiz Muhammad Zubair Naseem held on 12/12/07 before Judge Richard M. Berman. (pl) (Entered: 02/01/2008)
01/22/2008	Minute Entry for proceedings held before Judge Robert P. Patterson:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 1/22/2008 (jw) (Entered: 01/28/2008)
01/23/2008	Minute Entry for proceedings held before Judge Robert P. Patterson:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 1/23/2008. Juror #4 is unable to attend today, counsel request trial be adjourned to tomorrow. Trial adjourns to 1/24/08 at 9:30am. (jw) (Entered: 01/28/2008)
01/24/2008	Minute Entry for proceedings held before Judge Robert P. Patterson:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 1/24/2008. Juror #4 is present, trial continues (jw) (Entered: 01/28/2008)
01/25/2008 ECF	(29) TRANSCRIPT of Proceedings as to Hafiz Muhammad Zubair Naseem held on 12/3/07 @ 2:40pm before Judge Richard M. Berman. (pr) (Entered: 01/25/2008)
01/25/2008	Minute Entry for proceedings held before Judge Robert P. Patterson:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 1/25/2008 (Trial continues) (pr) (Entered: 01/31/2008)
01/28/2008	Minute Entry for proceedings held before Judge Robert P. Patterson:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 1/28/2008 (Trial continues) (pr) (Entered: 01/31/2008)

01/29/2008		Minute Entry for proceedings held before Judge Robert P. Patterson:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 1/29/2008. Trial continues. Govt rests. Deft's Rule 29 motion made, application is denied. Trial continues. Defense presents case. (pr) (Entered: 01/31/2008)
01/30/2008		Minute Entry for proceedings held before Judge Robert P. Patterson:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 1/30/2008. Juror #8 is not present due to illness. Trial continues as juror #8 is replaced by the remaining alternate. Defense case proceeds and concludes. Gov't summation made. (ja) (Entered: 02/06/2008)
01/31/2008		Minute Entry for proceedings held before Judge Robert P. Patterson:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 1/31/2008. Defense summation made, Gov't rebuttal, Court charges the jury. Jury begins deliberations. (ja) (Entered: 02/06/2008)
02/01/2008		Minute Entry for proceedings held before Judge Robert P. Patterson:Jury Trial as to Hafiz Muhammad Zubair Naseem held on 2/1/2008. Deliberations continue. (ja) (Entered: 02/06/2008)
02/04/2008	32	Letter by Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from Michael F. Bachner dated 1/26/08 re: Deft's letter response to the govt's 1/26/08 letter seeking to precluded the defense from offering evidence of trading activity in certain of the charged securities in the accounts of Sunil & Seema Sehgal. (pr) (Entered: 02/04/2008)
02/04/2008		Minute Entry for proceedings held before Judge Robert P. Patterson: Jury Trial as to Hafiz Muhammad Zubair Naseem held on 2/4/2008. Deliberations continue and conclude. Jury returns verdict of guilty on all 29 counts (copy of verdict sheet attached). Jury is discharged. Sentence is set for 5/13/08 at 4 p.m. Gov't moves for the dft to be remanded. Argument held, Court rules the dft must be remanded. Dft requests sentence be moved up, application granted, sentence will be held 4/7/2008 at 04:00 PM before Judge Robert P. Patterson.) The dft is remanded. (ja) (Entered: 02/06/2008)
02/04/2008		JURY VERDICT as to Hafiz Muhammad Zubair Naseem (1) Guilty on Counts 1s, and 2s-29s. (ja) (Entered: 02/06/2008)
02/05/2008	33	ORDER as to Hafiz Muhammad Zubair Naseem. It is hereby ordered that the above named deft is remanded to the custody of the USM for the SDNY. (Signed by Judge Robert P. Patterson on 2/4/08)(pr) (Entered: 02/05/2008)
02/06/2008	34	COURT EXHIBITS. Jury Trial of USA v. Hafiz Muhammad Zubair Naseem. [Received for docketing from Chambers] (bw) (Entered: 02/06/2008)
02/06/2008	35	Letter by Hafiz Muhammad Zubair Naseem addressed to Judge Berman from Attorney Michael F. Bachner dated 1/8/08 re: submitted in reply to (1) the Govt's letter dated 1/7/08, and (2) the Govt's letter dated 1/8/08. (bw) (Entered: 02/06/2008)
02/06/2008	36	Letter by Hafiz Muhammad Zubair Naseem addressed to Judge Berman from Attorney Michael F. Bachner dated 1/8/08 re: submitted in further support of the defense motion to preclude the admissibility of certain testimony. (bw) (Entered: 02/06/2008)
02/06/2008	37	Letter by USA as to Hafiz Muhammad Zubair Naseem addressed to Judge Berman from AUSAs Reed Michael Brodsky/Josh Klein dated 1/9/08 re: submitted this update regarding the conduct that it seeks to introduce relating to Hafiz Naseem prior to the charged period of the conspiracy. (bw) (Entered: 02/06/2008)
02/06/2008	38	Letter by USA as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from AUSAs Reed Michael Brodsky/Joshua Klein dated 1/11/08 re: submitted in advance of the trial scheduled to begin on Monday, 1/14/08, to provide the Court with an outline and general roadmap of the charges and the Govt's case-in-chief. (bw) (Entered: 02/06/2008)
02/06/2008	39	Letter by Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from Attorney Michael F. Bachner dated 1/12/08 re: submitted to move to preclude the Govt from eliciting testimony regarding Mr. Naseem's evaluations at Credit Suisse and J.P. Morgan Securities. (bw) (Entered: 02/06/2008)
02/06/2008	40	Letter by USA as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from AUSAs Reed Michael Brodsky/Joshua Klein dated 1/12/08 re: submitted in support of the Govt's application to offer the following evidence. (bw) (Entered: 02/06/2008)
02/06/2008	41	Letter by USA as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from AUSAs Reed Michael Brodsky/Joshua Klein dated 1/13/08 re: submitted in response to the deft's 1/12/08 letter seeking to preclude testimony of Hafiz Naseem's poor evaluations at J.P. Morgan Securities, Inc. and Credit Suisse Securities. (bw) (Entered: 02/06/2008)
02/06/2008	42	Letter by Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from Attorney Michael F. Bachner dated 1/13/08 re: submitted in further reply to the govt's request to admit various testimony as evidence of motive. (bw) (Entered: 02/06/2008)
02/06/2008	43	Letter by USA as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from AUSAs Reed Michael Brodsky/Joshua Klein dated 1/13/08 re: submitted in advance of opening arguments to inform the Court and the defense that the Govt intends to move to preclude the defense from offering the following into evidence. (bw) (Entered: 02/06/2008)
02/06/2008	44	Letter by Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from Attorney Michael F. Bachner dated 1/14/08 re: submitted in further support of Mr. Naseem's motion to preclude the admissibility of certain testimony. (bw) (Entered: 02/06/2008)
02/06/2008	45	Letter by Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from Attorney Michael F. Bachner dated 1/20/08 re: submitted to clarify Mr. Naseem's position with respect to the introduction of evidence that Hassan Zia and Ajaz Rahim were co-workers at American Express Bank in Lahore, Pakistan. (bw) (Entered: 02/06/2008)
02/06/2008	46	Letter by USA as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from Attorneys Reed Michael Brodsky/Joshua Klein dated 1/21/08 re: submitted to proffer to the Court the testimony that the Govt may seek to elicit from Christopher Radtke and to preclude the deft Hafiz Naseem from eliciting hearsay testimony from Radtke should the Govt call Radtke as a witness at trial. (bw) (Entered: 02/06/2008)
02/06/2008	47	Letter by Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from Attorney Michael F. Bachner dated 1/22/08 re: submitted in response to the Govt's letter of this evening regarding the admissibility of evidence pertaining to Mr. Naseem's trip to Pakistan in early April 2007. (bw) (Entered: 02/06/2008)
02/06/2008	48	Letter by USA as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from AUSAs Reed Michael Brodsky/Joshua Klein dated 1/22/08 re: submitted to inform the Court and the defense that the Govt will not be offering any evidence in its case-in-chief that the deft Hafiz Naseem went to Pakistan in April 2007 and returned from Pakistan on or about May 3, 2007. (bw) (Entered: 02/06/2008)
02/06/2008	49	Letter by USA as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from AUSAs Reed Michael Brodsky/Joshua Klein dated 1/23/08 re: submitted in support of the Govt's application to offer evidence between in or about September 2005 through in or about March 2006 relating to. (bw) (Entered: 02/06/2008)

Case 1:07-cr-00610-RPP Document 88 Filed 06/30/2008 Page 7 of 8

02/06/2008	(50)	Letter by USA as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from AUSAs Reed Michael Brodsky/Joshua Klein dated 1/23/08 re: the Govt submits the following exhibits relating to the J.P. Morgan evidence. (bw) (Entered: 02/06/2008)
02/06/2008	(51)	Letter by USA as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from AUSAs Reed Michael Brodsky/Joshua Klein dated 1/23/08 re: submitted in response to the defense's 1/23/08 letter regarding his argument that the evidence relating to J.P. Morgan constitutes "speculation." (bw) (Entered: 02/06/2008)
02/06/2008	(52)	Letter by Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from Attorney Michael F. Bachner dated 1/23/08 re: In the absence of proof that Mr. Naseem actually misappropriated information from the shared drive, this type of rank speculation is improper under FRE 104 and 403. (bw) (Entered: 02/06/2008)
02/06/2008	(53)	Letter by USA as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from AUSAs Reed Michael Brodsky/Joshua Klein dated 1/23/08 re: submitted to move to preclude the admission of handwritten statements in the Merrill Lynch documents reflecting self-serving, untrustworthy statements of the deft's co-conspirator Ajaz Rahim in response to questions raised by Merrill Lynch's concerns regarding Rahim's trading activities. (bw) (Entered: 02/06/2008)
02/06/2008	(54)	Letter by Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from Attorney Michael F. Bachner dated 1/28/08 re: submitted in response to the Judge's request of earlier today for a proffer regarding the qualifications of the Deft's proposed expert, Dr. Kenneth Gartrell. (bw) (Entered: 02/06/2008)
02/06/2008	(55)	Letter by USA as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from AUSAs Reed Michael Brodsky/Joshua Klein dated 1/28/08 re: Having received a copy of the powerpoint presentation of the deft's expert witness, Dr. Kenneth D. Gartrell, the Govt moves to preclude the expert witness from testifying anything about. (bw) (Entered: 02/06/2008)
02/06/2008	(56)	Letter by USA as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from AUSAs Reed Michael Brodsky/Joshua Klein dated 1/29/08 re: submitted to request that the Court preclude the defense expert from testifying about anything other than what information was available to the public at the time of the relevant transactions. (bw) (Entered: 02/06/2008)
02/06/2008	(59)	Letter by USA as to Hafiz Muhammad Zubair Naseem, addressed to Mr. Bachner, atty for dft, from Reed Brodsky/Josh Klein, AUSAs, dated 1/7/08, re: the Gov't may seek to introduce at trial evidence that the dft Hafiz Haseem was engaged in insider trading with Ajaz Rahim while he worked at JP Morgan from in or about 10/05 through in or about early 3/06.... The evidence is admissible because it provides significant background information relating to the charged offenses.... (ja) (Entered: 02/07/2008)
02/06/2008	(60)	Letter by USA as to Hafiz Muhammad Zubair Naseem, addressed to Mr. Bachner, atty for dft Hafiz Naseem, from Joshua Klein/Reed Michael Brodsky, AUSAs, dated 1/8/08, re: in receipt of documents from J.P. Morgan marked USAO 002804 through USAO 002820, and a disc marked USAO 002821,... (ja) (Entered: 02/07/2008)
02/07/2008	(57)	Court Exhibit A (2/1/08) as to Hafiz Muhammad Zubair Naseem. Exhibits shown to the jury during defense summation. (pr) (Entered: 02/07/2008)
02/07/2008	(58)	Court Exhibit B. as to Hafiz Muhammad Zubair Naseem. Exhibits shown to the jury during Govt's summation. (pr) (Entered: 02/07/2008)
02/08/2008	(61)	TRANSCRIPT of Proceedings as to Hafiz Muhammad Zubair Naseem held on 1/11/08 before Judge Robert P. Patterson. (jbe) (Entered: 02/08/2008)
02/14/2008	(62)	NOTICE OF ATTORNEY APPEARANCE Reed Michael Brodsky appearing for USA. (Brodsky, Reed) (Entered: 02/14/2008)
02/21/2008	(64)	TRANSCRIPT of Proceedings as to Hafiz Muhammad Zubair Naseem held on 2/1, 2/4, 2008 before Judge Richard M. Berman. (jbe) (Entered: 02/21/2008)
02/21/2008	(65)	TRANSCRIPT of Proceedings as to Hafiz Muhammad Zubair Naseem held on 1/18, 1/22, 1/23, 1/24, 1/25, 2008 before Judge Robert P. Patterson. (jbe) (Entered: 02/21/2008)
02/21/2008	(66)	TRANSCRIPT of Proceedings as to Hafiz Muhammad Zubair Naseem held on 1/14, 1/15, 1/16, 1/17, 2008 before Judge Robert P. Patterson. (jbe) (Entered: 02/21/2008)
02/27/2008	(67)	ORDER as to Hafiz Muhammad Zubair Naseem. Due to inclement weather on 2/1/08, the Court authorized the use of a car service to transport a juror in the above captioned action. IT IS SO ORDERED that the Clerk's Office is authorized to pay the invoice for the transportation of the juror to and from the Courthouse on 2/1/08. (Signed by Judge Robert P. Patterson on 2/26/08)(bw) (Entered: 02/27/2008)
03/11/2008	(68)	TRANSCRIPT of Proceedings as to Hafiz Muhammad Zubair Naseem held on 1/28, 29, 30, 31, 2008 before Judge Robert P. Patterson. (ama) (Entered: 03/11/2008)
04/03/2008	(69)	ENDORSED LETTER as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from Michael F. Bachner dated 4/2/08 re: Reschedule Sentencing as to Hafiz Muhammad Zubair Naseem(Sentencing set for 5/14/2008 at 04:00 PM before Judge Robert P. Patterson...)...ENDORSEMENT...Sentence adjourned to May 14, 2008 at 4pm. SO ORDERED. (Signed by Judge Robert P. Patterson on 4/3/08)(jw) (Entered: 04/08/2008)
05/06/2008	(70)	ENDORSED LETTER as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from Kevin T.O'Brien dated 5/6/08 re: Reschedule Sentencing as to Hafiz Muhammad Zubair Naseem(Sentencing set for 5/29/2008 at 02:00 PM before Judge Robert P. Patterson...)...ENDORSEMENT...Application granted. Sentencing is adjourned to 5/29/08 at 2pm. SO ORDERED. (Signed by Judge Robert P. Patterson on 5/6/08)(jw) (Entered: 05/07/2008)
05/14/2008	(71)	ENDORSED LETTER as to Hafiz Muhammad Zubair Naseem addressed to Judge Patterson from Kevin T. O'Brien dated 5/14/08 re: Adjournment of the 5/29 sentencing until 5/30/08 @ 2pm. So Ordered. (Signed by Judge Robert P. Patterson on 5/14/08)(pr) (Entered: 05/15/2008)
05/23/2008	(72)	SENTENCING MEMORANDUM by Hafiz Muhammad Zubair Naseem. (Bachner, Michael) (Entered: 05/23/2008)
05/23/2008	(73)	SENTENCING MEMORANDUM by Hafiz Muhammad Zubair Naseem. (Bachner, Michael) (Entered: 05/23/2008)
05/23/2008	(74)	SENTENCING MEMORANDUM by Hafiz Muhammad Zubair Naseem. (Bachner, Michael) (Entered: 05/23/2008)
05/23/2008	(75)	SENTENCING MEMORANDUM by Hafiz Muhammad Zubair Naseem. (Bachner, Michael) (Entered: 05/23/2008)
05/23/2008	(76)	SENTENCING MEMORANDUM by Hafiz Muhammad Zubair Naseem. (Bachner, Michael) (Entered: 05/23/2008)
05/23/2008	(77)	SENTENCING MEMORANDUM by Hafiz Muhammad Zubair Naseem. (Bachner, Michael) (Entered: 05/23/2008)
05/23/2008	(78)	SENTENCING MEMORANDUM by Hafiz Muhammad Zubair Naseem. (Bachner, Michael) (Entered: 05/23/2008)

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05/23/2008	79	SENTENCING MEMORANDUM by Hafiz Muhammad Zubair Naseem. (Bachner, Michael) (Entered: 05/23/2008)
05/23/2008	80	SENTENCING MEMORANDUM by Hafiz Muhammad Zubair Naseem. (Bachner, Michael) (Entered: 05/23/2008)
05/29/2008	81	SENTENCING MEMORANDUM by USA as to Hafiz Muhammad Zubair Naseem, Ajaz Rahim. (Brodsky, Reed) (Entered: 05/29/2008)
05/30/2008	82	NOTICE OF ATTORNEY APPEARANCE: Lisa Ann Cahill, Edward James Little appearing for Hafiz Muhammad Zubair Naseem. (ja) (Entered: 06/05/2008)
05/30/2008		Minute Entry for proceedings held before Judge Robert P. Patterson: Sentencing held on 5/30/2008 for Hafiz Muhammad Zubair Naseem (1) Count 1s,2s-29s. (jw) (Entered: 06/05/2008)
06/04/2008		DISMISSAL OF COUNTS on Government Motion as to Hafiz Muhammad Zubair Naseem (1) Count 1,2-26. (jw) (Entered: 06/05/2008)
06/04/2008	83	FILED JUDGMENT IN A CRIMINAL CASE as to Hafiz Muhammad Zubair Naseem (1), Count(s) 1, 2-26, Underlying Indictment is dismissed on the motion of the US; Found guilty to Count(s) 1s, 2s-29s, Imprisonment for a total term of Five Years on count one and ten years on counts two through 29. The imposed on count one is to run concurrent with the time imposed on count two. The time imposed on counts three through twenty nine are to run concurrent with the time imposed on count two. Supervised release for a term of Three Year period on count one and three years each on counts two through twenty nine. The time imposed on counts two through twenty nine to run concurrent with the time imposed on count one. The Court makes the following recommendations to the Bureau of Prisons: The defendant is to be placed at a BOP facility as close to the NYC area as possible, such possible facilities to include the Danbury, CT facility. Special Assessment of \$2,900.00 which is due immediately. (Signed by Judge Robert P. Patterson on 6/4/08)(jw) (Entered: 06/05/2008)
06/05/2008		Judgment entered in money judgment book as #08,1007 as to Hafiz Muhammad Zubair Naseem in the amount of \$ 2,900.00, re: 83 Judgment. (dt) (Entered: 06/10/2008)
06/06/2008	84	ORDER OF FORFEITURE as to Hafiz Muhammad Zubair Naseem. The defendant was charged in Superseding Indictment S1 07 Cr. 610 (RPP) with conspiracy to commit securities fraud (Count 1).... and insider trading.... and Counts 2 through 29. The Indictment contained a forfeiture allegation seeking forfeiture to the U.S. to 18 USC Sec 981(a)(1)(C) and 28 USC Sec 2461, of all property, real and personal that constitutes or is derived from commission of the charged offenses, in an amount not less than approximately \$9,000,000; on or about 2/4/08, the dft was convicted after a jury trial on all counts of the Indictment; on 5/30/08, the dft was sentenced, inter alia, to forfeit to the U.S. the sum of \$7,500,000 representing the amount of profits obtained directly or indirectly as a result of the violations alleged in Counts 1 through 29 of the Indictment.... NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT: 1) the dft shall forfeit to the U.S. the sum of \$9,000,000, representing the proceeds obtained directly or indirectly as a result of the violations alleged in Counts 1 through 29 of the Indictment....; 2) the U.S. Marshals Service shall be authorized to deposit the forfeited property in the Assets Forfeiture Fund, and the U.S. shall have clear title to the forfeited property; 3) upon entry of this Order of Forfeiture the U.S. Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of money or property to be applied to the money judgment against the defendant....; and 4) The Clerk shall forward four certified copies of this Order to Abigail Seda, USA, 1 St. Andrews Plaza, NY, NY 10007. SO ORDERED.. (Signed by Judge Robert P. Patterson on 6/6/08) The Clerk's Office Has Mailed Copies.(ja) (Entered: 06/06/2008)
06/06/2008	85	NOTICE OF APPEAL by Hafiz Muhammad Zubair Naseem from 83 Judgment. Filing fee \$ 455.00, receipt number E 653300. (nd) (Entered: 06/09/2008)
06/09/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Hafiz Muhammad Zubair Naseem to US Court of Appeals re: 85 Notice of Appeal - Final Judgment. (nd) (Entered: 06/09/2008)
06/10/2008	86	Letter by USA as to Hafiz Muhammad Zubair Naseem, addressed to Judge Patterson, from Joshua Klein/Reed Michael Brodsky, AUSAs, dated 6/5/08, re: The dft's 5/30/08 sentencing - the enclosed Order provides for forfeiture in the amount of \$9,000,000, constituting the gross proceeds from the offense. Although the Court ordered the forfeiture of only \$7,500,000 at the sentencing proceeding, Your Honor stated you would increase the amount of forfeiture should the Gov't provide legal authority for its claim that forfeiture of all proceeds from the offenses is authorized. The relevant legal authority is set forth below.... Based on the foregoing, the Gov't submits that the Court should order the forfeiture of not less than approximately \$9,000,000, which constitutes the proceeds from the illegal insider trading in this case. (ja) (Entered: 06/11/2008)
06/11/2008	87	TRANSCRIPT of Proceedings as to Hafiz Muhammad Zubair Naseem held on 5/30/08 before Judge Robert P. Patterson. (ama) (Entered: 06/11/2008)
06/16/2008		USCA SCHEDULING ORDER as to Hafiz Muhammad Zubair Naseem related to 85 Notice of Appeal - Final Judgment filed by Hafiz Muhammad Zubair Naseem, USCA Case Number 08-2815-cr. Defendant Brief due by 8/1/2008. Government Brief due by 8/25/2008. Appeal Record due by 7/2/2008. (nd) (Entered: 06/16/2008)